

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 04-258)

In re Application of: Mark W. Triplett

Confirmation No.: 4274

Serial No.: 10/807,762

Group Art Unit: 3693

Filed: March 24, 2004

Examiner: James A. Vezzeris

For: System and Method for Holding and Sending an Order to a Matching Engine

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Dear Sir:

Applicant requests reconsideration of the patent term adjustment (PTA) in light of the *Wyeth v. Dudas* decision (D.D.C., Memorandum Opinion for Case No. 07-1492, Sept. 30, 2008).

Applicant agrees with the Office's calculation of 1003 days of "A delay" and 92 days of Applicant delay, which resulted in the Determination of Patent Term Adjustment of 911 days.

Pursuant to 37 C.F.R. § 1.705(d), Applicant hereby requests an additional 371 days of "B delay." Applicant arrived at this number by calculating 705 days as the difference between (a) the February 26, 2009 filing of a Request for Continued Examination (RCE) and (b) the March 24, 2007 3-year anniversary from filing. From this total, Applicant subtracts 334 days for overlap between the "A delay" and the "B delay" (spanning from (a) the March 24, 2007 3-year anniversary from filing to (b) the mailing of the February 21, 2008 office action).

Thus, Applicant respectfully requests that the Office reconsider the PTA calculation, and adjust the total from 911 days, up by 371 days, for a new total of **1,282 days**. If a telephone conference would expedite the prosecution of this Request for Reconsideration of Patent Term Adjustment, please contact the undersigned attorney at (312) 913-0001.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: September 17, 2009

By: /Daniel P. Williams/
Daniel P. Williams, Reg. No. 58,704